

STIPULATION AND [PROPOSED] ORDER DISMISSING ENTIRE ACTION WITH PREJUDICE
Case No. CIV-S-04-1912 LKK GGH

Pursuant to Federal Rule of Civil Procedure 41(a)(1) and in accordance with the terms of a confidential settlement agreement between the parties, plaintiff Paul Ortega and defendant International Business Machines Corporation hereby stipulate to the dismissal with prejudice of the entire action and each and every claim therein. Each party further agrees that he or it shall bear his or its own attorneys' fees and costs.

Dated: April ____, 2005

LAW OFFICES OF JEFFERY L. ARAN

By /signature on original
Jeffery L. Aran
Attorneys for Plaintiff
Paul Ortega

Dated: April ____, 2005

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By /signature on original
Scott G. Lawson
Attorneys for Defendants
International Business Machines Corporation

ORDER

Pursuant to the foregoing stipulation of all parties, IT IS HEREBY ORDERED that the entire action and each and every claim therein, is DISMISSED with prejudice. Each party shall bear his or its own attorneys' fees and costs.

Dated: May 9, 2005

/s/Lawrence K. Karlton

Lawrence K. Karlton
United States District Judge